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13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

16 RIGHTHAVEN LLC, a Nevada limited-
17 liability company,

Case No.: 2:10-cv-02088

18 **COMPLAINT AND DEMAND
FOR JURY TRIAL**

19 Plaintiff,

20 v.

21 ASSOCIATED NEWSPAPERS LIMITED, an
United Kingdom limited company,

23 Defendant.

26 Righthaven LLC (“Righthaven”) complains as follows against Associated Newspapers
27 Limited (“Associated Newspapers”) on information and belief:

1
2 **NATURE OF ACTION**

3 1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

5 **PARTIES**

6 2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

8 3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

10 4. Associated Newspapers is, and has been at all times relevant to this lawsuit, identified by the current registrar, Nom-IQ Limited (“Nom-IQ”), as the registrant of the Internet domain found at <mail.dailymail.co.uk> (the “Domain”).

13 5. Associated Newspapers is, and has been at all times relevant to this lawsuit, the self-proclaimed owner of the copyright(s) in the work(s) posted as part of the content accessible through the Domain (said content accessible through the Domain and the Domain itself collectively known herein as the “Website”), as evidenced by a copyright notice displayed on the Website: “© Associated Newspapers Ltd”.

18 6. Associated Newspapers is, and has been at all times relevant to this lawsuit, identified as the publisher of the Website, as evidenced by the following claim displayed on the Website: “Published by Associated Newspapers Ltd”.

21
22 **JURISDICTION**

23 7. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

25 8. Righthaven is the owner of the copyright in the illustration entitled: “Vdara death-ray” (the “Work”), attached hereto as Exhibit 1.

27 9. At all times relevant to this lawsuit, the Work has depicted and depicts the original source publication as the Las Vegas *Review-Journal*.

10. Associated Newspapers willfully copied, on an unauthorized basis, the Work from a source emanating from Nevada.

11. On or about September 29, 2010, Associated Newspapers displayed, and continues to display, an unauthorized reproduction of the Work (the "Infringement"), attached hereto as Exhibit 2, on the Website.

12. At all times relevant to this lawsuit, the Infringement has depicted and depicts the original source publication as the Las Vegas *Review-Journal*.

13. The subject matter, at least in part, of the Work and the Infringement, is the magnification of the sun's rays off the surface of the Vdara Hotel, located in Las Vegas, Nevada.

14. At all times relevant to this lawsuit, Associated Newspapers knew that the Work was originally published in the Las Vegas *Review-Journal*.

15. At all times relevant to this lawsuit, Associated Newspapers knew that the Infringement was and is of specific interest to Nevada residents.

16. At all times relevant to this lawsuit, the Infringement, as publically displayed on the Website was and is accessible in Nevada.

17. At all times relevant to this lawsuit, the Infringement occurred and continues to occur in Nevada.

18. Associated Newspapers' display of the Infringement was and is purposefully directed at Nevada residents.

VENUE

19. The United States District Court for the District of Nevada is an appropriate venue, pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events giving rise to the claim for relief are situated in Nevada.

20. The United States District Court for the District of Nevada is an appropriate venue, pursuant to 28 U.S.C. § 1400 (a), because Associated Newspapers is subject to personal jurisdiction in Nevada.

FACTS

21. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. § 102(a)(5).

22. Righthaven is the owner of the copyright in and to the Work.

23. The Work was originally published on or about September 25, 2010.

24. On November 24, 2010, the United States Copyright Office (the “USCO”) received Righthaven’s official submittal for the registration to the Work, including the application, the deposit copy, and the registration fee (the “Complete Application”), Service Request No. 1-524088592, and attached hereto as Exhibit 3 is the official USCO application submittal for the Work depicting the occurrence of the Complete Application.

25. On or about September 29, 2010, Associated Newspapers displayed, and continues to display, the Infringement on the Website.

26. Associated Newspapers did not seek permission, in any manner, to reproduce, display, or otherwise exploit the Work.

27. Associated Newspapers was not granted permission, in any manner, to reproduce, display, or otherwise exploit the Work.

CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT

28. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
27 above.

29. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17 U.S.C. § 106(1).

30. Righthaven holds the exclusive right to prepare derivative works based upon the Work, pursuant to 17 U.S.C. § 106(2).

31. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to 17 U.S.C. § 106(3).

32. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17 U.S.C. § 106(5).

33. Associated Newspapers reproduced the Work in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(1).

34. Associated Newspapers created an unauthorized derivative of the Work in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(2).

35. Associated Newspapers distributed, and continues to distribute, an unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(3).

36. Associated Newspapers publicly displayed, and continues to publicly display, an unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(5).

37. Associated Newspapers has willfully engaged in the copyright infringement of the Work.

38. Associated Newspapers' acts as alleged herein, and the ongoing direct results of those acts, have caused and will continue to cause irreparable harm to Righthaven in an amount Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

39. Unless Associated Newspapers is preliminarily and permanently enjoined from further infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus entitled to preliminary and permanent injunctive relief against further infringement by Associated Newspapers of the Work, pursuant to 17 U.S.C. § 502.

PRAYER FOR RELIEF

Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

1. Preliminarily and permanently enjoin and restrain Associated Newspapers, and Associated Newspapers' agents, servants, employees, attorneys, parents, subsidiaries, related companies, partners, and all persons acting for, by, with, through, or under Associated Newspapers, from directly or indirectly infringing the Work by reproducing the Work, preparing derivative works based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering, directing, participating in, or assisting in any such activity;

1 2. Direct Associated Newspapers to preserve, retain, and deliver to Righthaven in
2 hard copies or electronic copies:

- 3 a. All evidence and documentation relating in any way to Associated
4 Newspapers' use of the Work, in any form, including, without limitation, all such
5 evidence and documentation relating to the Website;
- 6 b. All evidence and documentation relating to the names and addresses
7 (whether electronic mail addresses or otherwise) of any person with whom Associated
8 Newspapers has communicated regarding Associated Newspapers' use of the Work; and
- 9 c. All financial evidence and documentation relating to Associated
10 Newspapers' use of the Work;

11 3. Direct the current registrar, Nom-IQ, and any successor domain name registrar for
12 the Domain, to lock the Domain and transfer control of the Domain to Righthaven;

13 4. Award Righthaven statutory damages for the willful infringement of the Work,
14 pursuant to 17 U.S.C. § 504(c);

15 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by
16 Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

17 6. Award Righthaven pre- and post-judgment interest in accordance with applicable
18 law; and

19 7. Grant Righthaven such other relief as this Court deems appropriate.

1 **DEMAND FOR JURY TRIAL**
2

3 Righthaven requests a trial by jury pursuant to Fed. R. Civ. P. 38.
4

5 Dated this thirtieth day of November, 2010.
6

7 RIGHTHAVEN LLC
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9 By: /s/ J. Charles Coons
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